



Responding to Racism in Cyprus



European Network Against Racism
Ευρωπαϊκό Δίκτυο κατά του Ρατσισμού

OVERVIEW OF RACISM IN THE NATIONAL CONTEXT

Up to the 1970s, Cyprus was a country of emigration. Economic development created a shortage of labour, opening the doors for 'importing' foreign workers. A model of strict labour control was chosen, involving short-term contracts, in employment areas avoided by locals. The number of documented migrant workers reached 70,000 (10% of the population) and the total number of non-Cypriots 100,000, making Cyprus a host country of migration.

Although migrants have contributed enormously to the economic development of Cyprus, they are the main victims of discrimination and racism. The migration model of 'temporary' employment linked to a specific employer has created conditions of dependency on employers, since it places migrants in a vulnerable position when faced with exploitation and renders them powerless in claiming their rights.

The strict migration policies did not prevent the increase of 'illegal' migration, while the number of asylum seekers reached record levels. A lot of trafficking and smuggling is conducted through the dividing line created by the events of 1974.

Cyprus, as an EU member, has to comply with the *acquis communautaire* on migration, especially by granting long-term residence and employment rights to migrants on completion of five years of legal stay, as well as other rights, including family reunification, part-time employment to foreign students etc.

The main challenge facing Cyprus is to acknowledge the failure of the present system of migration, accept that it is a multicultural society and develop policies and practices to promote social integration, enrich society and create conditions of equality for all its residents, irrespective of national, ethnic, racial or other origin.

OVERVIEW AND KEY AKTIVITIES OF THE CYPRUS NATIONAL COORDINATION

ENAR promotes the cause of anti-racism and equal treatment for ethnic minorities and non-EU nationals residing in the European Union.

ENAR is a network of European NGOs working to combat racism in all EU Member States. The NGOs have formed National Coordinations (NCs), which constitute the membership of ENAR and include ethnic minorities, immigrants' associations, information centres, advocacy groups, trade unions, faith based organisations and many others. Democratically elected representatives of each NC attend the Network's meetings where they are consulted on policy and statutory issues. One of the representatives of each NC should belong to an ethnic minority.

ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.

OVERVIEW OF ENAR - EUROPEAN NETWORK AGAINST RACISM

ENAR-Cyprus was established in May 2006 and currently consists of ten NGOs working directly or indirectly in the field of racism, xenophobia and anti-discrimination, as well as informal groups of migrants and asylum seekers.

The NGOs currently part of the ENAR network are **KISA - Action for Equality, Support, Antiracism, CFPA - Family Planning Association, INEK - PEO Cyprus Labour Institute, MIGS - Mediterranean Institute of Gender Studies, Philippino EU Association, BILBAN (Institute of Socio-political Studies), ARRC - Association of Recognised Refugees, Cyprus Homosexuals Liberation Movement, CSCA - Centre for the Study of Childhood and Adolescence and the Foreign Students Association of Cyprus.**

The ENAR-Cyprus coordination welcomes the participation of other NGOs which work against racism.

WHO IS EXPERIENCING RACISM: THE SITUATION IN CYPRUS

The huge number of migrants appealing for help to NGOs, reports in the media, the Ombudsman, ECRI (Council of Europe), RAX-EN (EU Monitoring Centre on Racism and Xenophobia) etc., indicate growing discrimination and racism. Migrants in general are victims of institutional racism, stereotyping and stigmatisation and are used as scapegoats for many social and economic problems (unemployment, crime, breakup of marriages etc.) They work under worse conditions and receive lower wages than locals. State housing policies apply only to Cypriots. Widespread discrimination on grounds of nationality, as provided in law, hinders migrants from benefiting from the majority of social rights otherwise provided to Cypriots.

Domestic workers are particularly vulnerable; their employment contracts are frequently violated and they fall victim of abuse, sexual harassment, rape and violence. Even worse treatment is inflicted on female workers - victims of trafficking and those involved in prostitution. Seasonal workers have no social insurance, live on farms in inhumane conditions and are often deported without getting paid. The migration model followed forces many migrants to become 'illegal', deprived of all basic rights. Police wage campaigns of mass arrests based on colour and detention conditions are inadequate. In the last couple of years, two 'illegal' migrants were actually shot by police officers in their effort to escape immigration controls. One died. Despite this there is no regularisation policy. A negligible number of asylum seekers are granted refugee status, and deportations, even of persons married to Cypriots or EU citizens, are frequent and in many cases illegal. Asylum seekers don't have sufficient means of subsistence. There is only one reception centre, which is isolated and totally inadequate. Pontiac residents are victims of racist comments and suffer exclusion even though the majority are European citizens. Muslims face degrading treatment, as a result of suspicion of involvement in terrorist activities and are seen as potential Turkish allies.

Other groups experiencing racism are religious minorities such as Jehovah's Witnesses and a group referred to as 'gypsies', whose way of life resembles that of the Roma.

POLITICAL REALITY: NATIONAL LAWS AGAINST RACISM

A number of offences relevant to combating racism and intolerance are in place i.e. incitement to racial hatred, participation in organisations promoting racial discrimination, public expression of racially insulting ideas. These provisions, however, have never been used. There is no provision penalising common offences - with a racist nature - as specific offences, or explicitly enabling the racist motives of the offender to be taken into account as an aggravating factor in sentencing. Racism as such is not penalised.

The Race Equality Directive was transposed in January 2004. The law basically copies the Directive and also criminalises racially discriminatory behaviour. The only implementing measure adopted is the appointment of the Ombudsman as an extra judicial authority to examine complaints for racially motivated discrimination, both in the public and private sectors, as well as the authority responsible for conducting independent surveys and publishing reports related to such discrimination. Although the law foresees the possibility for positive action, no positive action was taken by the state up until now.

Independent assistance to victims of discrimination, as provided by the Directive, is not provided by any body, and NGOs are not funded by the state to perform such tasks. No legal aid is provided with regard to administrative and labour law, whereas legal aid in other spheres of law is limited to certain categories of human rights violations, including the Convention for the Elimination of Racial Discrimination and Protocol 12 of the European Convention for Human Rights. However, cases on the basis of the Race Equality Directive as such are not covered by legal aid. This is a major obstacle for victims of discrimination, or NGOs who support them, to pursue their rights before the courts.

IMPORTANCE OF THE CIVIL SOCIETY INFRASTRUCTURE

Civil society participation in Cyprus in combating racism is not very strong. There are very few NGOs, most of them short term and with little experience. Longer-standing NGOs, such as KISA, have faced a hostile environment and the temporary character of migration has stalled the integration and normal functioning of migrant self-help organisations. Nevertheless, the growth of racism has sensitised many people and the issue is now becoming prominent. This is facilitated by the social intervention of NGOs and the reports by the Ombudsman's office, ECRI, RAXEN etc. Accession to the EU and the obligation of Cyprus to adhere to EU policies has made the government more careful regarding racist practices and its treatment of civil society. Nevertheless, NGOs are neither encouraged nor adequately funded to fulfil their important role.

Even if the state was willing, it would not be able to replace civil society, given the mistrust towards it by migrants and other discriminated minorities. Contrary to this, if the NGOs don't live up to their expectations, they can either participate in changing them or create new ones. It is therefore extremely significant to encourage migrants' active participation in existing NGOs at all levels and the setting up of their own organisations. This can foster change towards integration that will allow migrants to be equal participants in the economic, social and political system.

In this respect the following developments are promising:

- The setting up of a refugee organisation and new NGOs offering services to victims of racism
- The activities of associations such as the Filippino, Pontian Greeks etc.
- The involvement of migrants in leading positions in KISA and in cultural and other activities
- The growing number of migrants joining unions and the setting up of the Migrant Workers' Bureau of PEO.

RESPONDING TO RACISM: STRATEGIC LITIGATION

Many anti-racist NGOs have not traditionally engaged in legal processes; often this is for the simple reason that there was little law for them to refer to. However the adoption of the EU Race Directive (see section 'EU and anti-racism') and the development of national law, means that now more than ever litigation has the potential to lead to real change for those who are vulnerable to racism and discrimination.

As anti-discrimination is a relatively new field of law, NGOs have a role to play in raising awareness regarding its potential. Consequently strategic litigation has come to the fore as a useful advocacy technique. NGOs can both directly engage in strategic litigation and support others to do so by gathering data, assessing victims and engaging in advocacy.

"Strategic or impact litigation uses the court system to attempt to create broad social change."

The primary focus of strategic litigation is law or policy change rather than redress for an individual, though these two objectives are not mutually exclusive. Strategic litigation intends to reach beyond an individual case or victim, to create a context of enhanced protection for everyone who is vulnerable to discrimination. By changing law or setting precedents an individual case can have a ripple effect leading to change on a much broader level.

The concept of strategic litigation encompasses the selection of cases, case planning and management, as well as ensuring that favourable outcomes are implemented.

Not every NGO has the mandate or skills to engage in litigation, nor will litigation necessarily be the right strategy in many cases. Nonetheless, it is essential for all anti-racism actors to recognise the importance of strategic litigation as a tool for generating change.

SERVICES AVAILABLE TO VICTIMS OF RACIAL DISCRIMINATION

The specialised body responsible for fighting racial discrimination in Cyprus, by law, is the **Office of the Ombudsman**, incorporating the Anti-discrimination Body and the Equality Authority. The Office examines complaints of discrimination or racist actions. It makes recommendations to offenders and can impose penalties or fines. It carries out investigations and studies into racist and discrimination issues and publishes the results. Complaints are made directly either by anti-racist NGOs or on the Ombudsman's own initiative. ETHNOPAD (the National Institution for the Protection of Human Rights) receives complaints, refers them to responsible authorities and intervenes accordingly.

A small number of **NGOs** offer free support services to victims of racial discrimination and violence. **KISA** runs Migrant and Refugee Support Centres in Nicosia and Limassol, offering advice, social and legal support to asylum seekers, refugees and migrants and advocacy. It also encourages the setting up of self-help organisations and promotes the training of migrants to act as advocates for their communities. A shelter for women victims of trafficking and sexual exploitation is run by the **Russian Church** in Cyprus. Support for women victims of violence, including a shelter, is offered by the **Association for Handling and Preventing Violence in the Family**. **Future Worlds** offers legal advice to asylum seekers.

The largest trade union, **PEO**, runs a **Migrant Workers' Bureau** that combats discrimination at work. For labour disputes, migrants may apply to the services of the Ministry of Labour and the **Labour Disputes Tribunal**. The state service responsible for welfare benefits, violence in the family etc. is the **Welfare Service**. An **Office for Combating Discrimination** has been set up by the **Police** which also runs an **Office for Combating Trafficking**.

WHY A EUROPEAN PERSPECTIVE IS CRUCIAL: EU AND ANTI-RACISM

National NGOs working on anti-racism are already seriously overburdened in their work to confront racism and discrimination. Why then should they also be concerned with what is going on in other European countries, and in the institutions of the European Union itself?

Developing an understanding of racism in Europe is essential for two key reasons. Firstly, to promote learning and knowledge about what racism is and how to combat it and secondly, to generate common tools across the European Union to combat racism. Experience over the last ten years has demonstrated that national governments can be convinced to take action at a European level, where they may not have been prepared to move forward alone.

Racism has a distinctly European dynamic. Europe's colonial history underlines its role in fostering both historical and contemporary forms of racism; and the 20th century does not cast a positive light on the European legacy. Despite this long history, Europe began to take racism seriously relatively recently. Europe has a responsibility both to the people living within its borders, as well as internationally to take a leading role in promoting a vision of a world free from racism.

In 1997, Article 13 of the Amsterdam Treaty gave the European Union a legal base on which to develop 'appropriate measures to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation'. Using these powers the European Union adopted the Race Equality Directive in June 2000 (and later that year the Employment Equality Directive).

While the Race Directive was due to be fully implemented by July 2003, at the beginning of 2006 some Member States have failed to implement it. This reality raises questions about the continuing commitment of EU Member States to combat racism and discrimination.

However the Directive does have direct effect, which means that individuals can assert it before national courts, even where it has not been implemented.

The Race Directive gives protection against discrimination in employment and access to a range of goods and services. It puts forward a number of important definitions including: direct and indirect discrimination, harassment, and victimisation. Other significant aspects of the Directive are that it allows for positive action measures, the sharing of the burden of proof, and the establishment of equality bodies.

The principles enshrined in the Race Directive need to become core elements of anti-discrimination law and practice across the European Union. Strategic litigation is a tool to ensure that this happens. To this end, it expressly allows for NGOs to engage in proceedings in support of or on behalf of victims.

The European Union is also involved in a range of other activities, including awareness raising (through the 'For Diversity. Against Discrimination' campaign) and funding of anti-racism projects. In 1997 the EU Monitoring Centre on Racism and Xenophobia (EUMC) was established. While the Centre is likely to be expanded to become a Fundamental Rights Agency in 2007, it will continue to focus on the problem of racism in Europe.

KEY LINKS AND SOURCES OF FURTHER INFORMATION AT NATIONAL LEVEL

NGOs

KISA - Action for Equality, Support, Antiracism: kisa@cytanet.com.cy

Cyprus Labour Institute (INEK-PEO): inekcy@cytanet.com.cy

PEO, Migrant Workers' Bureau: christos.tombazos@peo.org.cy

Cyprus Gender Equality Observatory: pik@cytanet.com.cy

Mediterranean Institute of Gender Studies: info@medinstgenderstudies.org

Association for Handling and Preventing Violence in the Family: contact@spidernet.com.cy

Symfiliosi: sympyliosi@yahoo.com

Future Worlds: legaladvice@futureworldscenter.org

SPECIAL BODIES

Office of the Ombudsman: ombudsman@ombudsman.gov.cy

National Institution for the Protection of Human Rights (ETHNOPAD): olcommissioner@olc.gov.cy

STATE AUTHORITIES

Civil Registry and Migration Department: migration@crmd.moi.gov.cy

Aliens and Immigration Department of the Police: evipcd@police.gov.cy

Cyprus Police: Office for Combating Discrimination: evipcd@police.gov.cy

Cyprus Police: Office for Combating Trafficking in Human Beings: evipcd@police.gov.cy

Welfare Services: central.sws@sws.mlsi.gov.cy

Ministry of Labour: director@bl.mlsi.gov.cy

KEY LINKS AND SOURCES OF FURTHER INFORMATION AT EUROPEAN LEVEL

EU Monitoring Centre on Racism and Xenophobia: www.eumc.eu.int

European Commission - anti-discrimination and relations with civil society:

www.europa.eu.int/comm/employment_social/fundamental_rights/index_en.htm

European Network Against Racism (ENAR): www.enar-eu.org

European Roma Information Office: www.erionet.org

European Union: www.europa.eu.int

'For Diversity. Against Discrimination': www.stop-discrimination.info

Strategic Litigation of Race Discrimination in Europe: from Principles to Practice:

www.migpolgroup.com/documents/2498.html

Strategies on Litigation Tackling Discrimination in EU Countries: www.solid-eu.org

ENAR – Cyprus

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